THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 7117 of 1998

Dated: 13.06.2007

Between:

A. Narsimha

... Petitioner

AND

Secunderabad Cantonment Board,
Rep., by its Executive Officer
& another.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 7117 of 1998

ORDER:-

None appears for the petitioner.

This writ petition is filed for a writ of mandamus to declare the proceedings dated 02.01.1998 of respondent No.2 as illegal and arbitrary and for a consequential direction to respondent No.1 to pay salary to the petitioner with effect from 01.01.1998.

A perusal of the record shows that the petitioner has not filed the proceedings dated 02.01.1998, whose validity is challenged in the writ petition.

Be that as it may, in the counter-affidavit filed by Sri R.S. Cheema, Executive Officer of the Secunderabad Cantonment Board, it is stated as under:

> "In reply to the said allegations it is respectfully submitted that the petitioner is in the habit of making unnecessary comments and allegations against the respondents for the fault of them. The petitioner along with others intentionally and deliberately submitted forged and false caste certificates for seeking appointment in the 1st respondent Board and thereby played a deliberate fraud with a view to obtain employment. But, in virtue of the orders passed by this Hon'ble Court, the case of the petitioner and others was considered for appointment as safaiwalas on production

of fresh caste certificates. As the case of the petitioner and others was considered in pursuance of the directions of this Hon'ble Court, the orders of selection with abundant caution, were placed before the 2nd respondent with a view to bring the situation to his notice. Thereafter, by proceedings dated 15.04.1998 the petitioner was appointed as Safaiwala and he has been working on the roles in the said post. Hence, the writ petition has become infructuous. The other contentions of the writ petitioner that he is entitled for salary with effect from 01.01.1998 is frivolous and untenable. The petitioner cannot be entitled for salary without rendering any service or work in the first respondent Board. The petitioner having accepted the appointment and working in the first respondent Board in the said post ought not to have continued the present writ petition as there are no merits to stand. Further, the petitioner did not file the alleged impugned proceedings dated 02.01.1998 which is said to be the internal correspondence between the first and second respondents. The writ petition is not maintainable without filing the alleged impugned order by presuming and assuming the things in his own fashion."

He also filed a copy of the proceedings dated 15.04.1998 whereunder the petitioner has been appointed as Safaiwala.

In view of the above, the cause in the writ petition does not survive for consideration and the same is dismissed as infructuous. No costs.

C.V. NAGARJUNA REDDY, J

Date: 13.06.2007
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